

Meeting Notes from the
Blue Ribbon Committee on Shoreline Management
October 4, 2012

The Blue Ribbon Committee (BRC) on Shoreline Management met on Thursday, October 4, 2012 in the 3rd Floor Conference Room of the Department of Health and Environmental Control, Charleston, S.C. (Attachment 1)

CALL TO ORDER: The meeting was called to order by BRC Chairman Wes Jones at 9:45 a.m. The following members were in attendance:

Paul Campbell
Ray Cleary
Bill Herbkersman (via phone)
Wes Jones
Nick Kremydas
Bill Otis
Tom Peebles
Bob Perry (via phone)
Terry Richardson

Also in attendance were DHEC-OCRM staff and members of the public. (Attachment 2)

Mr. Jones stated that in accordance with the SC Freedom of Information Act (FOIA), broadcast and print media were notified of this October 4, 2012 meeting of the BRC. Additional notices were posted at Department offices and on the website.

ACTION ITEM:

Approval of May 1, 2012 meeting notes

It was moved, and seconded, to approve the notes of the May 1, 2012 meeting. Approved

OLD BUSINESS:

Motion 1

Ms. Boltin-Kelly noted that BRC members requested that staff draft motions based on discussions at the May 1 meeting, and she presented the following for consideration (Attachment 3).

Prohibit the construction of new golf courses and the modification or expansion of existing golf courses seaward of the baseline.

Mr. Jones reminded the Committee that information regarding this topic was presented and discussed at the May 1 meeting. A motion was made and seconded to adopt this language as a recommendation of the committee. Committee discussion ensued.

Several Committee members questioned whether a golf course could be rebuilt as it currently exists if destroyed by a storm and expressed concern that the wording of the motion as written may make it subject to legal dispute. Ms. Boltin-Kelly confirmed that existing golf courses could be rebuilt to existing conditions but not significantly expanded.

A motion was made, and seconded, to amend the language to include *“normal repair, maintenance and replacement to existing conditions will be allowed.”*

The amendment was approved unanimously.

A motion was made, and seconded, to adopt the following as a recommendation of the Committee:
Prohibit the construction of new golf courses and the modification or expansion of existing golf courses seaward of the baseline. Normal repair, maintenance and replacement to existing conditions will be allowed.

The motion, as amended, passed unanimously.

Motion 2

Ms. Boltin-Kelly then presented the following motion regarding an ad hoc committee on nearshore alterations for BRC consideration.

DHEC should establish an ad hoc Technical Committee to formulate criteria and recommendations for nearshore alteration project reviews and clarify that the committee would be involved in coast-wide planning efforts with no authority to comment on specific permits.

A motion was made, and seconded, to adopt this language as a recommendation of the Committee. Committee discussion ensued.

Committee members expressed concern that an ad hoc committee would be a duplication of effort given the technical information and requirements that currently exist with the Corps of Engineers and DHEC-OCRM. Ms. Boltin-Kelly stated that technical reviews are specific to individual permits, whereas the ad hoc committee would address state-wide issues of sediment management and allocation and would provide information on how to plan for future needs. It was also noted that the ad hoc committee recommendations would not be binding on any specific permit.

Committee members questioned the distinction between formulating criteria and making recommendations and asked for clarification on the criteria referenced in the motion. Ms. Boltin-Kelly responded that criteria could include such information as the location and compatibility of sand sources. Committee members again expressed concern that this information is already covered under current permitting requirements and questioned the potential make-up of the ad hoc committee.

Mr. Jones reminded the BRC that they voted in favor of establishing the ad hoc committee at the last meeting, and this was an opportunity to refine the wording of the recommendation.

A motion was made, and seconded, to amend the language to replace "...criteria and" with the word "policy".

The amendment passed unanimously.

A motion was made, and seconded, to adopt the following as a recommendation of the Committee:
DHEC should establish an ad hoc Technical Committee to formulate policy recommendations for nearshore alteration project reviews and clarify that the committee would be involved in coast-wide planning efforts with no authority to comment on specific permits.

The motion, as amended, passed unanimously.

Motion 3

Ms. Boltin-Kelly presented the third suggested motion regarding the ownership, maintenance and repair of existing groins for Committee consideration.

Require all coastal municipalities to claim ownership of existing groins if they desire to retain them. Dilapidated or dysfunctional groins would be required to be repaired and maintained by the local entity. The

state should establish a process for the removal of “unclaimed” dilapidated or dysfunctional groins via funds from the Trust Fund.

A motion was made, and seconded, to adopt this language as a recommendation of the Committee. Committee discussion ensued.

A motion was made, and seconded, to amend the language to include *“Any groin permits that have been previously approved or applied for as of [date] will be grandfathered in and allowed to be repaired or built.”* It was questioned how many groins would be included based on this language. DHEC-OCRM staff responded that this would include two groins on Folly Beach, one on Pawleys Island and one on Debordieu. However, staff noted that the Debordieu permit was amended to remove the groin request.

The amendment to the motion passed.

A motion was made, and seconded, to adopt the following as a recommendation of the Committee:
Require all coastal municipalities to claim ownership of existing groins if they desire to retain them. Dilapidated or dysfunctional groins would be required to be repaired and maintained by the local entity. The state should establish a process for the removal of “unclaimed” dilapidated or dysfunctional groins via funds from the Trust Fund. Any groin permits that have been previously approved or applied for as of [date] will be grandfathered in and allowed to be repaired or built.

The recommendation, as amended, was approved with one member abstaining. The member who abstained was Otis.

It was then suggested to the Committee that the current use of accommodations taxes (S.C. Code of Laws Section 6-4-10) needs to be clarified to specifically allow beach renourishment. In addition, the law currently requires that allocations of accommodations taxes must be used within 2 years. It was suggested that the law be amended to allow the money to be placed in a fund without the 2 year limitation.

Mr. Jones suggested that the Committee members in the legislature draft a recommendation and bring it back before the full Committee at a later date.

NEW BUSINESS:

Ms. Boltin-Kelly indicated that DHEC-OCRM is currently undertaking projects to evaluate estuarine shoreline erosion and erosion rate calculations, and is also working to determine the actual extent of hardened shorelines. Ms. Boltin-Kelly estimated that this information would not be available for a least a year. In consideration of these ongoing efforts and the timeline of their completion, Ms. Boltin-Kelly asked if the Committee preferred to take up the estuarine shorelines topic or focus on finalizing the content of the report with the issues already addressed.

The Committee discussed the timeline for moving forward with the existing recommendations and how the estuarine shorelines topic should be addressed. It was noted that the SCAC presented recommendations for estuarine shorelines and it was suggested that the BRC make a policy statement recognizing the importance of the issue. Committee members expressed concern about making a policy statement without having time to review and fully understand the SCAC recommendations.

A motion was made that the BRC acknowledge the importance of estuarine shoreline issues and recommend that the SCAC recommendations be considered by the legislature. The motion was then tabled, and subsequently withdrawn, to allow the BRC time to discuss the timeline and the best approach for addressing estuarine shorelines.

Committee members requested a timeframe for moving forward with the beachfront recommendations. Ms. Boltin-Kelly presented a draft timeline for final report development, review and public comment (Attachment

3). The Committee recommended a final meeting in late November or early December to review the final report and identify potential issues with the recommendations. It was suggested that the Committee prioritize the recommendations for legislative action. It was suggested that DHEC-OCRM develop recommendations regarding estuarine shorelines separately to ensure that action on the beachfront recommendations progresses during this legislative session.

The Committee then discussed the process for receiving public comments on the recommendations. It was suggested and generally agreed upon that public comments should come on proposed bills before the legislature, rather than the report, to avoid duplication. DHEC-OCRM noted that the report would also go out on a 30-day public notice as part of standard procedure.

The Committee suggested that DHEC-OCRM reformat the final report to reduce interpretation of discussion and to make it more reflective of the layout of the Council on Coastal Futures report. Ms. Boltin-Kelly indicated that staff would revise the report based on this recommendation and would incorporate the motions passed at today's meeting. The report will be provide to the Committee for review in mid-October and DHEC-OCRM will try to set a date for the next meeting in the last week of November or first week in December.

A request was made to append notes and comments from a previously-convened community forum as an appendix to this report. Mr. Jones expressed concern with including information as part of this report that did not directly result from BRC efforts. Mr. Jones did recommend that the list of attendees from those forums receive the public notice so they can respond to this specific document.

MEETING WRAP UP:

Ms. Boltin-Kelly will send out the revised draft report and a Doodle poll with potential dates for the next meeting in November or December. A conference call number will also be established for the next meeting.

Mr. Jones adjourned the meeting at 11:00 am.

Attachments:

- 1 Agenda
- 2 Sign-in Sheet
- 3 DHEC-OCRM Powerpoint Presentation

Blue Ribbon Committee on Shoreline Management

October 4, 2012

*SC Department of Health and Environmental Control
3rd Floor Conference Room
1362 McMillan Avenue
Charleston, SC 29405*

AGENDA

- 9:00 am **Welcome and Introductions**
Wes Jones, Chair
- Action: Approval of May 1 Meeting Notes*
- 9:15 **Public Comment Period**
- 9:30 **Old Business**
- Continued Discussion on Renourishment and Groins
Carolyn Boltin-Kelly, SC DHEC-OCRM Deputy Director
- 10:15 **New Business**
- Discussion of Remaining Workplan Topics
 - Committee Discussion and Feedback on Draft Final Report
 - Opportunities for Public Input on Final Report
Carolyn Boltin-Kelly, SC DHEC-OCRM Deputy Director
- 12:15 pm **Wrap Up**
- 12:30 **Adjourn**

NAME _____

REPRESENTING

MAILING ADDRESS or E-MAIL

**PLEASE CHECK
IF MAKING
PUBLIC COMMENT**

[illegible]